

ARTICLE 89-08

DAMS, DIKES, AND OTHER DEVICES

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CHAPTER 89-08-01 DEFINITIONS

Section	
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89-08-01-01. Definitions. The following definitions apply in this article:

1. "Appurtenant works" means all works incident or attached to a dam, dike, or other device, including but not limited to:
 - a. A spillway, either in the dam or separate from it;
 - b. The reservoir and its rim;
 - c. A low-level outlet; and
 - d. A water conduit such as a tunnel, pipeline, or penstock, either through the dam, dike, or other device or their abutments.
2. "Construction" or "construct" means any activity for which a permit is required by North Dakota Century Code section 61-16.1-38, including construction, alteration, enlargement, or modification of a dam, dike, or other device.
3. "Dam" means any artificial barrier or obstruction, including any appurtenant works, across a stream channel, watercourse, or an area that drains naturally or may impound water.
4. "Dike" means an embankment, including appurtenant works, constructed to protect real or personal property.
5. "District" means a water resource district.
6. "Engineer" means a person who has been duly registered and licensed as an engineer by the North Dakota state board of registration for professional engineers and land surveyors.

7. "Height" means the vertical distance in feet from the stream channel bottom at the centerline of the dam to the top of the settled embankment.
8. "High-hazard dam" means any dam located upstream of developed or urban areas where failure may cause serious damage to homes, industrial and commercial buildings, and major public utilities. There is potential for the loss of more than a few lives if the dam fails.
9. "Inspection" means a visual or mechanical check, a measurement, a boring, or any other method necessary for determination of the adequacy of construction techniques, conformity of work with approved plans and specifications, or the safety and operating performance of a dam, dike, or other device.
10. "Low-hazard dam" means a dam located in rural or agricultural areas where there is little possibility of future development. Failure of low-hazard dams may result in damage to agricultural land, township and county roads, and farm buildings other than residences. No loss of life is expected if the dam fails.
11. "Medium-hazard dam" means a dam located in predominately rural or agricultural area where failure may damage isolated homes, main highways, or railroads, or cause interruption of minor public utilities. The potential for the loss of a few lives may be expected if the dam fails.
12. "Other device" means a water control structure, other than a dam or dike, which may include, but is not limited to, diversion ditches, dugouts, lagoons, and holding ponds.
13. "Owner" means any person who owns, controls, operates, maintains, manages, or proposes to construct a dam, dike, or other device, except that for the purpose of signing the application for construction permit, "owner" means the person who owns the property or interest in property upon which the dam, dike, or other device will be built.
14. "State engineer" means the state officer provided for in North Dakota Century Code section 61-03-01 or any of the state engineer's employees or authorized agents.

History: Effective November 1, 1989.

General Authority: NDCC 28-32-02, 61-03-13

Law Implemented: NDCC 61-16.1-38

89-08-01-02. Definition of unsafe dam, dike, or other device. A dam, dike, or other device is unsafe if it threatens harm to life or property, or is improperly maintained.

History: Effective November 1, 1989.

General Authority: NDCC 28-32-02, 61-03-13

Law Implemented: NDCC 61-03-21.2